

REPUBLIC OF TRINIDAD AND TOBAGO



IN THE INDUSTRIAL COURT OF TRINIDAD AND TOBAGO

IN THE MATTER OF AN APPLICATION BY THE HONOURABLE MINISTER OF
LABOUR AND SMALL ENTERPRISE DEVELOPMENT FOR AN EX-PARTE INJUNCTION UNDER SECTIONS 7
(1),10 (1) (b), 65 AND 67 (2) OF THE INDUSTRIAL RELATIONS ACT CHAPTER 88:01

APPLICATION NO. GSD-A 006 OF 2017

THE HONOURABLE MINISTER OF LABOUR AND SMALL ENTERPRISE DEVELOPMENT	PARTY NO.1	MIGUEL HOMER	19TH PARTY NO.2	JAMES SEECHARAN	41ST PARTY NO.2
AND		TERRANCE GOPAUL	20TH PARTY NO.2	ADRIEL LA FLEUR	42ND PARTY NO.2
ANTONIO RODRIGUEZ	1ST PARTY NO.2	KEBBA THATCHER	21ST PARTY NO.2	MALLORY SENNON	43RD PARTY NO.2
JEROME MARTIN	2ND PARTY NO.2	AMEER CHATTERGOON	22ND PARTY NO.2	MATTHEW NARINE	44TH PARTY NO.2
GENISTA RAMTAHAL	3RD PARTY NO.2	DARIO PAUL	23RD PARTY NO.2	MAURICE ACOSTA	45TH PARTY NO.2
VANEETA SINGH	4TH PARTY NO.2	RHETT MOHAMMED	24TH PARTY NO.2	SAMANTA RAMKARRAN	46TH PARTY NO.2
IHSAN HOSEIN	5TH PARTY NO.2	GREGORY GREENE	25TH PARTY NO.2	NEIL DES VIGNES	47TH PARTY NO.2
KENDALL GALINDO	6TH PARTY NO.2	JOSEPH THOM	26TH PARTY NO.2	SIDDIQA ALI	48TH PARTY NO.2
WADE GRANT	7TH PARTY NO.2	KEITH AQUI	27TH PARTY NO.2	JONATHAN COCKBURN	49TH PARTY NO.2
RANA MOHAMMED	8TH PARTY NO.2	DHANESH KUMAR	28TH PARTY NO.2	YOHANCE BALDWIN	50TH PARTY NO.2
DAVID TIMOTHY	9TH PARTY NO.2	FAZEELA GHANY-RAMDASS	29TH PARTY NO.2	DEREK PAPONETIE	51ST PARTY NO.2
ROLSTON RAMROOP	10TH PARTY NO.2	CURTIS EDDY	30TH PARTY NO.2	CLINT BALFOUR	52ND PARTY NO.2
ANTHON JOSEPH	11TH PARTY NO.2	SUBHASCHAND SUKHAJ	31ST PARTY NO.2	SHANE SOOKRAM	53RD PARTY NO.2
KISHAN DADD	12TH PARTY NO.2	MICHELLE LEOPOLD	32ND PARTY NO.2	KERWIN QUASHIE	54TH PARTY NO.2
AKELIA SCOTT	13TH PARTY NO.2	ANTHONY LEE FAI	33RD PARTY NO.2	ANYSSA FALBY	55TH PARTY NO.2
RUDESH BALLI RAM	14TH PARTY NO.2	IYONA BATCHASINGH	34TH PARTY NO.2	ASAPH HOSEIN	56TH PARTY NO.2
KEVIN BROWN	15TH PARTY NO.2	DAMIAN BENJAMIN	35TH PARTY NO.2	VIKASH DANRAJH	57TH PARTY NO.2
STEFAN RAMBARAN	16TH PARTY NO.2	GISELLE BRERETON	36TH PARTY NO.2	AVINASH RAMLOGAN	58TH PARTY NO.2
DEEPCHAND GANGASINGH	17TH PARTY NO.2	GEROLD BROWN	37TH PARTY NO.2	DUNSTAN RENN	59TH PARTY NO.2
CHANARDATH GANGA	18TH PARTY NO.2	DEBRA LEWIS- TELESFORD	38TH PARTY NO.2	CHRIS GUALBANCE	60TH PARTY NO.2
		AUGUSTUS MCINTOSH	39TH PARTY NO.2	CLEAVON HODGE	61ST PARTY NO.2
		ANN-MARIE PLAZA-HOSEIN	40TH PARTY NO.2	HANEISA McDONALD-YORK	62ND PARTY NO.2

BEFORE: Her Honour Mrs. D. Thomas-Felix President
His Honour Mr. A. Aberdeen Member
His Honour Mr. H. Soverall Member
His Honour Mr. K. Jack Member

APPEARANCES:
Mr. R. Martineau S.C.
Mr. B. Reid
Mr. C. Foderingham-Garraway
for Party No. 1

Dated: the 9th day of May, 2017

Entered: the 9th day of May, 2017

No appearance on behalf of
1st to 62nd Party No.2

EX-PARTE:

UPON AN APPLICATION for Injunctive Relief this day made unto this Honourable Court by Counsel for Party No.1.

UPON READING the Notice of Application filed herein on the 8th day of May, 2017.

AND UPON READING the Affidavits of The Honourable Minister of Labour and Small Enterprise Development JENNIFER BAPTISTE-PRIMUS and BERNARD MOHAMDALLY filed herein on the 8th day of May, 2017.

IT IS ORDERED THAT:

1. The Air Traffic Controllers, namely Antonio Rodriguez, Jerome Martin, Genista Ramtahal, Vaneeta Singh, Ihsan Hosein, Kendall Galindo, Wade Grant, Rana Mohammed, David Timothy, Rolston Ramroop, Anthony Joseph, Kishan Dadd, Akelim Scott, Rudesh Balliram, Kevin Brown, Stefan Rambaran, Deepchand Gangasingh, Chanardath Ganga, Miguel Homer, Terrance Gopaul, Kebba Thatcher, Ameer Chattergoon, Dario Paul, Rhett Mohammed, Gregory Greene, Joseph Thom, Keith AQUI, Dhanesh Kumar, Fazeela Ghany-Ramdass, Curtis Eddy, Subhaschand Sukhai, Michelle Leopold, Anthony Lee Fai, Iyona Batchasingh, Damian Benjamin, Giselle Brereton, Gerold Brown, Debra Lewis-Telesford, Augustus Mcintosh, Ann-Marie Plaza-Hosein, James Seecharan, Adriel La Fleur, Mallory Sennon, Matthew Narine, Maurice Acosta, Samanta Ramkarran, Neil Des Vignes, Siddiqa Ali, Jonathan Cockburn, Y ohance Baldwin, Derek Paponette, Clint Balfour, Shane Sookram, Kerwin Quashie, Anyssa Falby, Asaph Hosein, Vikash Danrajh, Avinash Ramlogan, Dunstan Renn, Chris Gualbance, Cleavon Hodge and Haneisa Mcdonald- York (hereinafter collectively referred to as "the Air Traffic Controllers") or any of them or howsoever otherwise known, classified, designated, categorized, called and/or described be restrained from taking and/or continuing to take industrial action including "sick-out" within the meaning of the Industrial Relations Act Chapter 88:01 (hereinafter referred to as ("the Act").

2. The Air Traffic Controllers engaged in industrial action including "sick-out" action be and are hereby enjoined from taking and/or continuing to take such industrial action in accordance with section 67 (2) of the Act.

3. The Order made herein is without prejudice to any right accruing to the Trinidad and Tobago Civil Aviation Authority under section 63 (l) (c) of the Act in relation to the Air Traffic Controllers who are at present engaged in industrial action including "sick-out" action.

AND IT IS ALSO ORDERED that leave be and the same is hereby granted to serve a copy of the said

Notice of Application and Affidavits of The Honourable Minister of Labour and Small Enterprise Development JENNIFER BAPTISTE-PRIMUS and BERNARD MOHAMDALLY together with a copy of this Order on the Air Traffic Controllers.

AND IT IS FURTHER ORDERED that this order be published in the Trinidad and Tobago Gazette and once in two (2) daily newspapers circulating in Trinidad and Tobago.

AND IT IS FURTHER ORDERED that this order shall continue until the 5th day Of June, 2017 at the hour of 1:30 o'clock in the afternoon or until further order.

AND IT IS FURTHER ORDERED that a penal clause be endorsed hereon as shown below in red.

J. Rajjatta
Registrar
INDUSTRIAL COURT

IF YOU THE WITHIN NAMED AIR TRAFFIC CONTROLLERS ANTONIO RODRIGUEZ, JEROME MARTIN, GENISTA RAMTAHAL, VANEETA SINGH, LIHSAN HOSEIN, KENDALL GALINDO, WADE GRANT, RANA MOHAMMED, DAVID TIMOTHY, ROLSTON RAMROOP, ANTHONY JOSEPH, KISHAN DADD, AKELIM SCOTT, RUDESH BALLIRAM, KEVIN BROWN, STEFAN RAMSARAN, DEEPCHAND GANGASINGH, CHANARDATH GANGA, MIGUEL HOMER, TERRANCE GOPAUL, KEBBA THATCHER, AMEER CHATTERGOON, DARIO PAUL, RHETT MOHAMMED, GREGORY GREENE, JOSEPH THOM, KEITH AQUI, DHANESH KUMAR, FAZEELA GHANY-RAMDASS, CURTIS EDDY, SUBHASCHAND SUKHAJ, MICHELLE LEOPOLD, ANTHONY LEE FAI, IYONA BATCHASINGH, DAMIAN BENJAMIN, GISELLE BRERETON, GEROLD BROWN, DEBRA LEWIS-TELESFORD, AUGUSTUS MCINTOSH, ANNMARIE PLAZA-HOSEIN, JAMES SEECHARAN, ADRIEL LA FLEUR, MALLORY SENNON, MATTHEW NARINE, MAURICE ACOSTA, SAMANTA RAMKARRAN, NEIL DES VIGNES, SIDDIQA ALI, JONATHAN COCKBURN, YOHANCE BALDWIN, DEREK PAPONETTE, CLINT BALFOUR, SHANE SOOKRAM, KERWIN QUASHIE, ANYSSA FALBY, ASAPH HOSEIN, VIKASH DANRAJH, AVINASH RAMLOGAN, DUNSTAN RENN, CHRIS GUALBANCE, CLEAVON HODGE AND HANEISA MCDONALD-YORK OR ANY OF YOU OR HOWSOEVER OTHERWISE KNOWN CLASSIFIED, DESIGNATED, CATEGORIZED, CALLED AND/OR DESCRIBED DISOBEY THIS ORDER YOU WILL BE LIABLE TO PROCESS OF EXECUTION FOR THE PURPOSE OF COMPELLING YOU TO OBEY SAME.